

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In Re:) Case No: 19-06979
Jeffrey Schwartz)
Harriett Wendy Schwartz) Chapter: Chapter 13
Debtors) Judge: David D. Cleary

NOTICE OF MOTION

TO: See attached list

PLEASE TAKE NOTICE that on June 6, 2022 at 2 PM, I will appear before the Honorable David D. Cleary, or any judge sitting in that judge's place, and present the motion of Jeffrey and Harriet Schwartz to modify their Chapter 13 Plan, a copy of which is attached

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

Meeting ID and passcode. The meeting ID for this hearing is 161 122 6457 and the passcode is Cleary644. The meeting ID and passcode can also be found on the judge's page on the court's website.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

By: /s/ Dale Allen Riley

Dale Allen Riley
Geraci Law L.L.C.
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Chicago, Illinois 60603
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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re:) **Case No:** **19-06979**
Jeffrey Schwartz)
Harriett Wendy Schwartz) **Chapter:** **Chapter 13**
)
Debtors) **Judge:** **David D. Cleary**

CERTIFICATE OF SERVICE

I, Dale Allen Riley, hereby certify that I served a copy of this notice along with the aforementioned document upon the listed parties, by causing the same to be mailed in a properly addressed envelope, postage prepaid, from 55 E. Monroe, Suite 3400, Chicago, Illinois, on May 16, 2022 at 12:40 PM.

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re:) **Case No:** **19-06979**
Jeffrey Schwartz)
Harriett Wendy Schwartz) **Chapter:** **Chapter 13**
)
Debtors) **Judge:** **David D. Cleary**

LIST OF PARTIES SERVED

Marilyn O. Marshall, 224 S. Michigan Ave. #800 , Chicago, IL 60604

Office of the U.S. Trustee, 219 S. Dearborn, Suite 873, Chicago, Illinois 60604

Jeffrey Donald SchwartzHarriett Wendy Schwartz, 1121 Little Falls Dr , Elgin, IL 60120

[See attached list]

Advocate Medical Group C/O State Collection Service PO Box 6250 Madison WI 53716-0250	Cavalry Portfolio SPV I Bankruptcy Dept. PO Box 1030 Hawthorne NY 10532	Exxnobil/CBNA Attn: Bankruptcy Dept. Po Box 6497 Sioux Falls SD 57117
AMEX Attn: Bankruptcy Dept. Po Box 297871 Fort Lauderdale FL 33329	Clerk, Third Mun Div 19 M3 000618 2121 Euclid Ave #121 Rolling Meadows IL 60008	HSBC BANK Nevada N.A. C/O JH Portfolio DEBT EQUI 5757 Phantom Dr Ste 225 Hazelwood MO 63042
Associates in Psychiatry and Counseling C/o Merchants Credit Guide Co. 223 W. Jackson Blvd., Ste. 900 Chicago IL 60606	Keith Scott Schindler Bankruptcy Dept. 1990 E. Algonquin, #180 Schaumburg IL 60173	Illinois Gastro Enterology Group C/O Keynote Consulting 220 W Campus Drive # 102 Arlington Heights IL 60004
Bayview Financial LOAN Attn: Bankruptcy Dept. 4425 Ponce De Leon Blvd Coral Gables FL 33146	CEP America Illinois LLP C/O Wakefield & Associates PO Box 59003 Knoxville TN 37950	LANE BRYANT RETAIL/SOA Attn: Bankruptcy Dept. 450 Winks Ln Bensalem PA 19020
Clerk, Chancery 18 CH 15032 50 W. Washington St., Room 802 Chicago IL 60602	Chase CARD Attn: Bankruptcy Dept. Po Box 15298 Wilmington DE 19850	Midland Funding, LLC Bankruptcy Department 8875 Aero Drive, # 200 San Diego CA 92123
Wirbicki Law Bankruptcy Dept. 33 W. Monroe, #1140 Chicago IL 60603	MRS Associates of New Jersey Bankruptcy Dept. 1930 Olney Ave. Cherry Hill NJ 08003	Clerk, Third Mun Div 18 M3 007678 2121 Euclid Ave #121 Rolling Meadows IL 60008
Bright Light Medical Imaging Billing Department 31 S Arlington Heights Rd Elk Grove Village IL 60007	Chase MTG Attn: Bankruptcy Dept. Po Box 24696 Columbus OH 43224	Blitt and Gaines, PC Bankruptcy Dept. 661 Glenn Ave. Wheeling IL 60090
Cabelas Club C/O Portfolio Recovery Assoc. 120 Corporate Blvd., Ste. 100 Norfolk VA 23502	CITI Attn: Bankruptcy Dept. Po Box 6190 Sioux Falls SD 57117	Midwest Bone and Joint C/O ATG Credit, LLC PO Box 14895 Chicago IL 60614
Capital One Bankruptcy Dept. PO Box 30285 Salt Lake City UT 84130	Comenitybank/Meijer Attn: Bankruptcy Dept. Po Box 182789 Columbus OH 43218	Portfolio Recovery Assoc. Riverside Commerce Center 120 Corporate Blvd., Ste. 100 Norfolk VA 23502
CAP1/Bstby Attn: Bankruptcy Dept. 26525 N Riverwoods Blvd Mettawa IL 60045	Discover FIN SVCS LLC Attn: Bankruptcy Dept. Po Box 15316 Wilmington DE 19850	Clerk, Third Mun Div 19 M3 000539 2121 Euclid Ave #121 Rolling Meadows IL 60008
Capital ONE N.A. C/O Midland Funding 2365 Northside Dr Ste 30 San Diego CA 92108	Elgin Internal Medical Associates C/O Merchants Credit Guide Co. 223 W. Jackson Blvd., Ste. 900 Chicago IL 60606	Blitt and Gaines, PC Bankruptcy Dept. 661 Glenn Ave. Wheeling IL 60090
Capital ONE, N.A. Attn: Bankruptcy Dept. Po Box 26625 Richmond VA 23261	Elgin Internal Medical Associates 745 Fletcher Dr Elgin IL 60123	Quest Diagnostics C/O Credit Collection Services PO Box 55126 Boston MA 02205

Quest Diagnostics
Attn: Bankruptcy Dept
PO Box 740397
Cincinnati OH 45274

Syncb/ASHLEY HOMESTORE
Attn: Bankruptcy Dept.
950 Forrer Blvd
Kettering OH 45420

Syncb/BP DC
Attn: Bankruptcy Dept.
Po Box 965024
Orlando FL 32896

Syncb/CAR CARE DISC TI
Attn: Bankruptcy Dept.
Po Box 965036
Orlando FL 32896

Syncb/HOME SHOPPING
Attn: Bankruptcy Dept.
Po Box 965005
Orlando FL 32896

Syncb/JTV
Attn: Bankruptcy Dept.
Po Box 965036
Orlando FL 32896

Syncb/SAMS CLUB DC
Attn: Bankruptcy Dept.
Po Box 965005
Orlando FL 32896

Syncb/SCORE REWARDS DC
Attn: Bankruptcy Dept.
Po Box 965005
Orlando FL 32896

Synchrony BANK
C/O Portfolio Recov Assoc
120 Corporate Blvd Ste 1
Norfolk VA 23502

Synchrony BANK
C/O Midland Funding
2365 Northside Dr Ste 30
San Diego CA 92108

Synchrony BANK
C/O Cavalry Portfolio SERV
Po Box 27288
Tempe AZ 85285

TD BANK USA/Targetcred
Attn: Bankruptcy Dept.
Po Box 673
Minneapolis MN 55440

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

In Re:) **Case No:** **19-06979**
Jeffrey Schwartz)
Harriett Wendy Schwartz) **Chapter:** **Chapter 13**
Debtors)
) **Judge:** **David D. Cleary**

MOTION TO MODIFY CONFIRMED PLAN

NOW COME the Debtors, Jeffrey & Harriett Schwartz (the “Debtors”), by and through their attorneys, Geraci Law L.L.C., to present their **MOTION TO MODIFY CONFIRMED PLAN**, and state as follows:

1. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. 1334 and this is a “core proceeding” under 28 U.S.C. 157(b)(2).
2. The Debtors filed their Petition for Relief and plan under Chapter 13 of the U.S. Bankruptcy Act on 03/13/2019.
3. The Debtors’ plan was confirmed by the Court on 6/10/2019 with a requirement that the Debtors tender income tax refunds in excess of \$1,200 to the Chapter 13 Trustee as additional plan payments.
4. The Debtors have accrued a default to the Chapter 13 Trustee resulting from two separate events: They have yet to tender the overage from their 2021 income tax refund of \$1,782 that they are by default supposed to tender to the Trustee and Mr. Schwartz’s employer inexplicably stopped deducting payroll control payments for the Chapter 13 Trustee from mid-January until late April of 2022.
5. Mr. Schwartz’s employer has resumed ongoing payroll deductions for the payments but the Debtors have advised that they are unable to fully cure the remaining default. Although they believe that they can have just shy of one month’s payment for the Chapter 13 Trustee as a

direct payment, that would leave approximately \$2,840 of remaining arrears at the time of this motion's presentment, 6/6/2022.

6. This would total the amount due under the tax refund order along with just under 2 months' regular plan payments.
7. The Debtors have advised that the money from their tax refund is necessary due to refrigerator and freezer repairs. They have tendered to their attorneys receipts which appear to total \$820 in recent direct payments and have further advised that they spent approximately \$550 out-of-pocket for special shoes and braces for Mrs. Schwartz related to her diabetes, though no receipts are yet available. See attached Exhibit A for repair receipts.
8. These items total \$1,370, slightly more than the \$1,200 carve-out for the Debtors' 2021 income tax refund. If \$170 of the current default were waived and the Debtors otherwise pay in the \$578 that they hope to have for the Trustee in direct payments that would leave approximately \$2,670 remaining in monetary default.
9. This amount, representing approximately 4 months' total payments, could be spread over the remainder of the Chapter 13 Plan term if the ongoing plan payments were increased to \$745 per month.

WHEREFORE THE DEBTORS, Jeffrey & Harriet Schwartz, respectfully request this Honorable

Court enter an order:

1. Waiving \$170 of the pending default to the Chapter 13 Trustee,
2. Increasing ongoing plan payments to \$745,
3. Deferring arrears to the end of the plan term,
4. Stating that The Chapter 13 Plan base shall be set at \$41,698, and
5. For any other relief the court deems proper.

By: /s/ Dale Allen Riley
Dale Allen Riley

Attorneys for the Debtors

Geraci Law L.L.C.
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Chicago, Illinois 60603
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